

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAQ BEY,
Plaintiff,
v.
JARED MALEC, et al.,
Defendants.

Case No. [18-cv-02626-SI; 18-cv-02628-SI](#)

**ORDER DENYING PLAINTIFF'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS**

Re: Dkt. No. 71 (18-cv-02626), 80 (18-cv-02628)

On December 11, 2018, the Court granted in part and denied in part defendants' motion to dismiss Raq Bey's second amended complaint in case no. 18-cv-02628. Dkt. No. 67. On March 5, 2019, the Court granted defendants' motion to dismiss the third amended complaint in case no. 18-cv-02626. Dkt. No. 66.

On March 27, 2019, plaintiff filed a "Petition for writ of Mandamus" with the Ninth Circuit, challenging the Court's orders on the motions to dismiss in both cases. Dkt. No. 69 in 18-2626. On April 8, 2019, plaintiff filed two motions for leave to appeal *in forma pauperis*. Dkt. No. 71 in 18-cv-02626; see also Dkt. No. 80 in 18-cv-02628.

On April 24, 2019, the Ninth Circuit denied the petition for mandamus finding "Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus ... the petition is denied. No further filings will be entertained in this closed petition." Ninth Circuit Case No. 19-70758.

Following the Ninth Circuit's guidance, as there are no factual discrepancies between the pending *in forma pauperis* applications, and because final judgment has not been entered in either district court case, plaintiff's motions for leave to appeal in forma pauperis are DENIED.

IT IS SO ORDERED.

Dated: April 25, 2019



SUSAN ILLSTON
United States District Judge